



# Draft NSW Prevention of Cruelty to Animals Regulation 2025

Submission of the  
Australian Veterinary Association Ltd

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## The Australian Veterinary Association

The Australian Veterinary Association (AVA) is the national organisation representing veterinarians in Australia. Our members come from all fields within the veterinary profession. Clinical practitioners work with companion animals, horses, livestock, and wildlife. Government veterinarians work with our animal health, public health, and quarantine systems while other members work in industry, research, and teaching. Veterinary students are also members of the Association.

## AVA Statement of principles with respect to Animal Welfare

*Animals are sentient beings that are conscious, feel pain, and experience emotions. Animals and people have established relationships for mutual benefit for thousands of years.*

*Humans have a duty of care to protect animals. Where a person does not meet his or her obligations to animals in his or her care, animals may suffer. When this happens, the law must be able to adequately intervene to enforce compliance and prevent suffering.*

*Animals have intrinsic value and should be treated humanely by the people who benefit from them. Owned animals should be safe from physical and psychological harm. They need access to water and species-appropriate food and shelter and should be able to fulfil their important behavioural and social needs. They must receive prompt veterinary care when required and have as painless and stress-free a death as possible.*

*Animals can be used to benefit humans if they are humanely treated, but the benefit to people should be balanced against the cost to the animal. They should not be used in direct combat or for purposes where suffering, injury or distress is likely to be caused.*

*Humans should strive to provide positive experiences to promote a life worth living for the animals in their care. We should strive for continuous and incremental improvement in the treatment and welfare of animals.*

*Humans have a responsibility to care for the natural environment of free-living native animals. People should take steps to preserve endangered species and protect native animals from disease where possible.*



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## Summary

The Australian Veterinary Association (AVA) welcomes the opportunity to provide feedback on the draft *NSW Prevention of Cruelty to Animals Regulation 2025*. This submission highlights the importance of evidence-based and humane approaches to animal welfare, reflecting contemporary science, veterinary expertise, and best practices. The AVA strongly supports the alignment of these regulations with AVA Policies as well national Standards and Guidelines. Harmonising legislation across jurisdictions is critical for ensuring consistency, improving animal welfare outcomes, and maintaining the social license of animal-based industries.

Emphasis is placed on the importance of recognising animals as sentient beings, capable of experiencing emotions such as pain, fear, and pleasure. Animal welfare regulations must go beyond merely meeting basic survival needs, aiming instead to ensure a "good life" for animals. This encompasses providing environments and care that promote positive mental and physical states, enabling animals to express natural behaviours and experience comfort, safety, and enrichment. A focus on sentience and a "good life" aligns with contemporary scientific understanding and community expectations, ensuring a higher standard of welfare for all animals.

The AVA's responses and recommendations draw on extensive veterinary professional knowledge. This submission aims to ensure that animal welfare regulations meet community expectations and provide enforceable standards that support a humane and sustainable approach to animal care.

We would like to note that the extremely tight timeframe for this consultation has not allowed adequate time for a thorough and informed review of the entire new proposed regulations, and the limited timeframe has restricted the capacity to adequately review, consult, and comment on potential changes. As such, our review has focused on the areas of change between the current regulations and those new regulations proposed in Option 2, the AVA preferred option.

The AVA respectfully requests that further opportunities for consultation be provided to ensure comprehensive feedback can be offered on these critical regulations. Veterinary professionals play a



pivotal role in the development and implementation of animal welfare laws, and it is essential that they are afforded sufficient time to engage meaningfully with such significant updates.

The AVA hopes the NSW Government will be scheduling future consultation opportunities to support this collaborative approach to NSW animal welfare regulation.

## Discussion

Veterinarians are highly valued and trusted by the communities they serve. Veterinary knowledge and expertise are an essential contributor to any matters relating to animal health and welfare.

The AVA supports the objectives of the POCTA Regulation;

*The overarching objectives of remaking the POCTA Regulation are to ensure that:*

- *animal welfare protections for animals in NSW under the Regulation continue after 1 February 2025*
- *animal welfare legislation continues to be aligned to national objectives (such as implementing nationally consistent standards and guidelines for farm animal welfare)*
- *the legislative framework for the appropriate care and welfare of animals continues to meet community expectations.*

This AVA submission conveys the policies and positions of the AVA, which include:

- [Commercial layer hen housing systems](#)
- [Tail docking of cattle](#)
- [Castration of adult rams](#)
- [Tail docking and castration of lambs and sheep](#)
- [Welfare of animals used in rodeos](#)
- [Transport of horses](#)
- [Considering welfare of target and non-target animals in planning vertebrate control programs](#)
- [Harvesting and culling of native fauna](#)
- [Use of behaviour-modifying collars on dogs](#)

Pivotal to the AVA's Statement of principles with respect to Animal Welfare, is the recognition and embracing of the sentience of animals, including the use of the [5 Domains of Animal Welfare](#). Further support for these principles can be found in the [joint position paper](#) published by the Federation of Veterinarians of Europe.

The AVA recommends Australian Standards and Guidelines are adopted during any regulatory reform to provide consistency and harmony of animal welfare standards across jurisdictions. These include: [Australian Animal Welfare Standards and Guidelines for Poultry](#) and [The Australian Animal Welfare Standards and Guidelines for Land Transport of Livestock](#).

The following input utilises the AVA's extensive knowledgebase derived from members of the veterinary profession who have a professional interest and expertise in the area of animal welfare.



## AVA preferred option – Option 2

Option 2 (Make the draft Prevention of Cruelty to Animals Regulation 2025) is the AVA's preferred option. However, in supporting this Option, there are a number of clauses in the proposed regulations that we would like to see edited.

The AVA strongly opposes Options 3 and 4. The removal of existing regulations without appropriate updated regulations in place poses serious animal health and welfare risks.

### Assessment of Impact

The AVA notes that the impact on the animal itself has not been included in this assessment. Key areas that are considered in the Regulatory Impact Statement are:

- Business
- Consumer
- Community
- Government
- Environment

The AVA recommends that with the recognition of animal sentience comes an expectation that any animal welfare regulation review should include the impact on animals to be considered in the impact assessment process.

### Option 2 (Make the draft Prevention of Cruelty to Animals Regulation 2025)

In this section we discuss the key changes that the draft regulations under Option 2 would bring about. We also highlight further amendment to those draft regulations that the AVA would like to see made. We have dealt with these in three sections:

1. Poultry Standards and Guidelines
2. Other changes to the status quo in the proposed regulations
3. Further amendments needed to the status quo

#### 1. Poultry Standards and Guidelines

*Part 2 of the draft regulations deal with the conditions for fowl confinement for egg production and defines minimum standards for laying fowl confined in:*

- Cages
- Non-cage housing
- In general

The AVA strongly recommends that animal welfare regulations related to the confinement of fowl for egg production align with agreed national Standards and Guidelines, such as the [Australian Animal Welfare Standards and Guidelines for Poultry \(2022\)](#), and the AVA's policy on [Commercial Layer Hen Housing Systems](#). AVA policies are developed through sound processes and incorporate veterinary and subject matter expertise, ensuring they are grounded in evidence-based best practices. Adopting harmonious Standards and Guidelines will help ensure consistent welfare outcomes for laying hens while supporting the poultry industry to meet public and consumer expectations for ethical production systems.



We understand that the proposed regulation changes go some way to implement the *Australian Animal Welfare Standards and Guidelines for Poultry (2022)* which were endorsed by all state Agriculture Ministers in 2023. We also note that further consultation will occur on the remaining Standards and Guidelines, and we urge the NSW Government to progress this to find a pathway forward.

Harmonisation of legislation across Australia is essential to avoid discrepancies in welfare requirements, which can create confusion and inequity among producers. Consistency in regulation not only promotes good animal welfare outcomes but also helps to sustain the social license of the poultry industry by demonstrating a commitment to science-based welfare improvements.

## **2. Other changes to the status quo in the proposed regulations**

Section headings in this part refer to the sections in the proposed 2025 regulations.

### **Section 27 - Tail docking of cows, heifers and calves**

This change will:

*Amend to only allow veterinary practitioners to perform the procedure on animals of any age, and only in the circumstances of treating injury or disease. (RIS)*

**Supported:** Tail docking of cows, heifers and calves – veterinary only procedure at any age and only to treat injury or disease.

Relevant AVA Policy(s):

- [Restricted acts of veterinary science](#)

### **Section 28 – Debarking**

This section will:

*Amend to prescribe, in addition to the current requirements, a veterinary practitioner must only debark a dog:*

- *if the dog is over 6 months of age, and*
- *a behavioural treatment plan has been made and implemented without success.*

*The reference to an order issued under the Companion Animals Act 1998, (formerly sections 21 and 22, now section 32A) has been updated to reflect amendments to that legislation.*

*The restriction that only allows veterinary practitioners to perform the procedure remains from the current regulation and POCTAA. (RIS)*

**Supported:** Dog debarking - veterinary only procedure, older than 6 months of age and as last resort to the satisfaction of veterinarian that all other behavioural treatment plans have been implemented without success.

Relevant AVA Policy(s):

- [Restricted acts of veterinary science](#)



### Section 29 - Declawing of cats

This section will:

*Amend to prescribe that declawing a cat is only permitted to treat injury or disease of the animal. The restriction that only allows veterinary practitioners to perform the procedure remains from the current regulation and POCTAA. (RIS)*

**Supported:** Cat declawing added that is only able to be done due to injury or disease, by veterinary only procedure.

Relevant AVA Policy(s):

- [Restricted acts of veterinary science](#)

### Section 42 Prohibited traps

This section will:

*Add a new provision to prohibit the setting of glue traps capable of trapping animals. Insect glue traps will remain permitted, if they are not capable of trapping an animal. Setting a glue trap capable of trapping animals will be an offence under s 23 of POCTAA. (RIS)*

**Supported:** Glue trapping not to be used if capable of trapping animals (i.e. insect use only).

This is supported by the AVA's guidelines (contained in the below AVA policy), which include "Harvesting, culling, trapping, shooting and biological control programs must have a firm scientific basis and take account of the net welfare of all individual animals affected, whether of the target species or not."

Relevant AVA Policy(s):

- [Considering welfare of target and non-target animals in planning vertebrate control programs](#)

## 3. Further amendments needed to the status quo

### Rodeos

While the AVA supports Option 2, we provide the following input around a Section 44 regarding rodeos, with recommendations for consideration in the new regulations.

**Calf roping;** The AVA does not support calf rope-and-tie events.

The welfare concerns associated with this event are considered to be relatively greater than some other events, due to the fact that very young naïve animals are used, and the greater risk of harm due to the nature of the activity – extreme and abrupt jerking on the neck when lassoed ([Dixon et al 2022](#)).

Animal welfare regulations in Victoria and South Australia state that cattle used in rodeos must weigh more than 200kg. This ruling effectively bans calf rope-and-tie as rodeo industry regulations state that calves cannot weigh above 130kg for this event. In the ACT, rodeos and therefore calf roping are completely prohibited. A recent legal paper recommended all Australian jurisdictions should prohibit the practice ([Stonebridge et al 2022](#)).

**Recommendation:** Legal reform is needed to prohibit calf rope-and-tie events in NSW. An alternative is to require a minimum body weight limit of 200kg which would ensure that young calves are not subjected to multiple significant stressors associated with transport and use in rodeos.



**Steer wrestling:** The AVA does not support steer wrestling events.

Steers display various behaviours indicating they experience fear and distress, including escape attempts. The welfare concerns associated with this event are considered to be relatively greater than some other events, due to the extreme twisting of the neck in order to drop the steer to the ground. Consequences of this sudden neck twist may include trauma to the neck, including the vertebrae, and winding due to compression of the trachea.

**Recommendation:** Legal reform is needed to prohibit steer wrestling events in NSW.

### **Mandatory attendance of veterinarians at all rodeos**

There is no legal requirement for veterinarians to attend all rodeos. Every animal should be assessed prior to competition to ensure they are in good health and fitness as well as not showing signs of fear or stress. Where animals have experienced an incident including stalling in a chute, colliding with the ground or hard objects or where they have landed awkwardly, they should be examined by a veterinarian to determine if they require treatment and/or withdrawal from competition.

**Recommendation:** All rodeo and rodeo school organisers engage and appropriately remunerate at least one attending veterinarian and a suitably trained and competent animal welfare officer.

The NSW Code of Practice for animals used in rodeo events has not been updated in 35 years and it would be prudent to complete a review of the code in light of modern animal welfare science.

Relevant AVA Policy(s):

- [Welfare of animals used in rodeos](#)

## Conclusion

The AVA emphasises the critical role of harmonised, evidence-based regulations in promoting good animal welfare outcomes and meeting community expectations. By aligning the *Prevention of Cruelty to Animals Regulation 2025* with nationally consistent Standards and Guidelines, NSW can improve harmonisation of legislation across jurisdictions and lead the way in setting a benchmark for effective and enforceable animal welfare legislation.

The AVA's submission reflects a commitment to continuous improvement in animal welfare through science-based practices and consultation with veterinary experts. Ensuring the welfare of sentient animals is not only a legal and ethical obligation but also a societal expectation that supports the long-term sustainability and public trust in animal industries. We urge the NSW government to consider the AVA's feedback and recommendations to safeguard the welfare of animals and enhance the effectiveness of the regulatory framework.

## Contact

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